

Clerk of Court for

The Court of Appeals

Please Send This

Memorandum To The

Judge of The Judicial

Committee

RECEIVED
2013 AUG 19 AM 10:05

U.S. COURT OF APPEALS
FOURTH CIRCUIT

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA

PLAINTIFF,

v.

Criminal No. 1:13CR17

CHARLES ADKINS,

DEFENDANT.

MEMORANDUM

IN SUPPORT OF DEFENDANT'S MOTION SEEKING RELIEF
IN A CHANGE OF PRESIDING AND EQUAL RIGHTS ON
COURT PROCEEDINGS AND MOTIONS FILED ON CASE NO. 1:13CR17
AND IN SUPPORT STATES THE FOLLOWING

COMES NOW I DEFENDANT CHARLES LEE ADKINS BY WAY OF
PRO SE AND SUBMITS THIS MEMORANDUM IN SUPPORT OF SEEKING
A RELIEF IN A CHANGE OF PRESIDING AND EQUAL RIGHTS ON
COURT PROCEEDINGS AND MOTIONS FILED ON CASE NO. 1:13CR17
AND IN SUPPORT STATES THE FOLLOWING.

A. ON JULY 22ND, 2013 I DEFENDANT CHARLES ADKINS FOUND
GOOD CAUSE AND REASON TO BELIEVE THAT IT IS A
CONFLICT OF INTEREST FOR JUDGE IRENE KEELEY TO PRESIDE
OVER THIS CASE. NO. 1:13CR17. DURING THE TIME OF JUDGE
KEELEY PRACTICING LAW AS A DEFENSE ATTORNEY

IN CLARKSBURG, WEST VIRGINIA SHE REPRESENTED PAMELA ANN NESTOR WHO WAS A CO-DEFENDANT TO A FAMILY MEMBER OF MINE, THE FAMILY MEMBER WAS MY BROTHER. THE CASE WAS STATE OF WEST VIRGINIA V. DANNY RAY ADKINS and PAMELA ANN NESTOR CASE NO. 16251 FELONY NO. 83-F-77. MY BROTHER AND PAMELA HAD BEEN LIVING TOGETHER FOR SEVEN YEARS PRIOR TO THEIR ARREST. THEY WERE RAISING THEIR CHILDREN TOGETHER TRYING TO BE A FAMILY. PAMELA IS THE BIRTH MOTHER TO MY TWO NIECES AND NEPHEW. PAMELA HAD NO CRIMINAL BACKGROUND OR KNOWLEDGE OF THE LAW. JUDGE KEELEY COERCED PAMELA INTO TURNING STATES EVIDENCE AGAINST MY BROTHER; THEREFORE JUDGE KEELEY ENGAGED IN A CRIMINAL PROCEEDING AGAINST MY BROTHER, HERE IN THE EXISTING CASE NO. 113CR17 US V. I DEFENDANT CHARLES ADKINS JUDGE KEELEY IS ENGAGING IN A CRIMINAL PROCEEDING AGAINST ME, ANOTHER FAMILY MEMBER OF THE SAME ADKINS FAMILY, BUT THIS TIME AS A FEDERAL JUDGE NOT A CRIMINAL ATTORNEY. THIS IS A CONFLICT OF INTEREST SEE REFERENCE BERMAN V. DEPT. OF INTERIOR, 2009 MSPB LEXIS 5299 (M.S.P.B AUG. 18, 2009), AFF'D, 112 M.S.R.R. 657 (2009) also see VOURAS V. DEPT OF HOMELAND SECURITY, 2010 MSPB LEXIS 1521 (MAY 5, 2010) (MISUSE OF POSITION; USE OF NON-PUBLIC INFORMATION) also see GREGORY V. UNITED STATES POSTAL SERVICE, 2006 MSPB LEXIS 2882 (JUNE 1, 2006). JUDGE KEELEY WAS PREJUDICE TOWARD MY BROTHER AND TODAY JUDGE KEELEY IS SHOWING THAT SAME PREJUDICE TOWARD I CHARLES ADKINS SEE reference UCC 1-207 / UCC 1-308.

B I NOTIFIED JUDGE KEELEY THROUGH A MOTION I FILED AND INFORMED THE JUDGE THAT FRAUD, FORGERY, AND BLACKMAIL PLAYED A MAJOR ROLE IN THE EXISTING CASE AGAINST I DEFENDANT CHARLES ADKINS reference see BLACKMAIL 21-3428 also see reference FRAUD 11-1-13. MY RIGHTS TO FILE CRIMINAL CHARGES AGAINST THE TWO PEOPLE THAT HAS COMMITTED THESE CRIMES AGAINST ME HAS BEEN IGNORED, OVERLOOKED, OR SIMPLY DENIED BEFORE JUDGE KEELEY.

MOREOVER JUDGE KEELEY IS AWARE OF THE FACT THAT MY 4TH AMENDMENT RIGHTS HAVE BEEN VIOLATED BY THE US MARSHALLS.

THE US MARSHALLS CONDUCTED A SEARCH AND SEIZURE ON MY CO-DEFENDANTS APARTMENT IN FAIRMONT, WEST VIRGINIA. THE ITEMS TAKEN FROM THE APARTMENT IS NOW BEING USED AGAINST F THE DEFENDANT IN A CRIMINAL PROCEEDING. SOME OF THE ITEMS TAKEN IN THE SEARCH ARE MY OWN PERSONAL BELONGINGS. AT NO TIME WAS THERE A SEARCH WARRANT SERVED ON I THE DEFENDANT CONCERNING THE ITEMS TAKEN. THE SAME SITUATION WITH THE JAIL PHONE RECORDINGS HERE AT THE REGIONAL JAIL. AT NO TIME WAS THERE A SUBPOENA, INDICTMENT, OR WARRANT SERVED ON I THE DEFENDANT CHARLES ADKINS CONCERNING THESE JAIL PHONE RECORDINGS NOW BEING USED AGAINST ME IN A CRIMINAL PROCEEDING. JUDGE KEELEY HAS ALLOWED ALL OF THIS TO EXIST IN MY LIFE. THIS IS ALL IN VIOLATION TO MY 4TH AMENDMENT RIGHT TO THE UNITED STATES CONSTITUTION AND IN ARTICLE IV, SECTION 6 OF THE WEST VIRGINIA CONSTITUTION. ALTHOUGH MY CO-DEFENDANTS APARTMENT AND THIS JAIL DO NOT BELONG TO ME I STILL HAVE A RIGHT TO CHALLENGE THE SEARCH AND SEIZURE.

C SEE ADDITIONAL REFERENCE RAKAS, 434 U.S. AT 141-42,
58 L. ED. 2d AT 400-01, 99 S. CT. AT 430, STATED
THAT AN INDIVIDUAL CAN HAVE A LEGALLY SUFFICIENT INTEREST
TO CHALLENGE A SEARCH IN AN AREA OTHER THAN HIS HOME
ALSO SEE JONES IN SPAULDING V. WARDEN, WEST VIRGINIA
STATE PENITENTIARY, 158 W. VA. 557, 212 S.E. 2d 619
(1975) ALSO SEE UNITED STATES V. LYONS, 206 F.2d 321
(C.C.R. 1983). ALTHOUGH MY CO-DEFENDANT OR THE GRAND
JURY OR PERHAPS A FEDERAL MAGISTRATE JUDGE GAVE THE
U.S. MARSHALS PERMISSION TO SEIZE AND USE THE EVIDENCE
TAKEN IN A SEARCH AND SEIZURE AGAINST I THE DEFENDANT
IN A CRIMINAL PROCEEDING I STILL HAVE A RIGHT TO
CHALLENGE THE SEARCH AND SEIZURE AND THE EVIDENCE
EVEN IF MY CO-DEFENDANT HAS GIVEN A STATEMENT.

SEE REFERENCES SIMMONS V. UNITED STATES, 390 U.S. 377, 19
L. Ed. 2d 1247, 88 S. CT. 967 (1968), THE SUPREME
COURT CONCLUDED THAT EVIDENCE GIVEN BY THE DEFENDANT AT A
SUPPRESSION HEARING COULD NOT BE USED BY THE PROSECUTION
AS A PART OF ITS SUBSTANTIVE EVIDENCE AT TRIAL. THIS
HOLDING WAS UTILIZED BY THE SUPREME COURT IN
UNITED STATES V. SACRUCCI, supra, AS A PART OF ITS
RATIONALE FOR OVERRULING THE AUTOMATIC STANDING RULE OF JONES.
THE OUTPALL SCENARIO OF THE SITUATION IS THAT JUDGE
KEELEY IS PRESUMED TOWARD I THE DEFENDANT
CHARLES ADKINS. SEE reference UCC 1-207 / UCC 1-308 I INFORMED
JUDGE KEELEY THAT ATTORNEY TOM DYER FAILED BY REFUSING
TO TAKE ACTION AGAINST THE U.S. MARSHALS.

D. FOR VIOLATING MY 4TH AMENDMENT RIGHTS, I ASKED JUDGE KEELEY TO REMOVE ATTORNEY DYER SHE REFUSED TO DO SO, THEREFORE I DEFENDANT CHARLES ADKINS AM ASKING WITH ALL SINCERITY THAT THE CHIEF JUDGE OF THE 4TH CIRCUIT JOHN PRESTON BAILEY HONORABLE CHIEF JUDGE GRANT TO I THE DEFENDANT MY MOTION AND REQUEST FOR A CHANGE IN PRESIDING REMOVING JUDGE KEELEY FROM THIS CASE NO. 1:13-CR-17 AND APPOINT A NEW JUDGE OR THE CHIEF JUDGE HEAR IT HIMSELF.

RESPECTFULLY SUBMITTED

Charles Lee Adkins

CHARLES LEE ADKINS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY ON THIS DAY OF

Aug 12 2013 TO CHARLES ADKINS

SENT A TRUE AND ACCURATE COPY OF

THIS DOCUMENT TO ALL PARTIES INVOLVED BY

WAY OF US MAIL

CHIEF JUDGE JOHN P. BAILEY

U.S. DISTRICT JUDGE IRENE M. KEELEY

FOURTH CIR. COURT WHEELING, WV

CLARKSBURG

US COURT OF APPEALS

JUDICIAL COMMITTEE RICHMOND, VA

ASSISTANT US ATTORNEY SAUN MORGAN

CLARKSBURG, WV